

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY E. McCRARY,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-20-0221-HE
)	
MIKE McDOUGAL, et al.,)	
)	
Defendants.)	

ORDER


On March 11, 2020, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this case recommending that plaintiff's application for leave to proceed *in forma pauperis* be denied and this case be dismissed without prejudice unless plaintiff pays the full filing fee to the Clerk of Court by March 30, 2020. Plaintiff was advised of his right to object to the Report and Recommendation by March 30, 2020. On March 23, 2020, the court received a letter from plaintiff, in which he stated that he had submitted a request for disbursement for payment of the filing fee and hoped the court had received his payment. Because the court had not received his payment, the court extended the deadline for plaintiff to pay the full filing fee to April 30, 2020, and advised plaintiff that if the filing fee was not paid by that date, the case would be dismissed without prejudice. On April 15, 2020, the court received another letter from plaintiff, in which he stated that he had received a receipt that the money had been sent on March 30 and that he had submitted a third disbursement request for the filing fee.

As of the date of this order, the court has not received any payment from plaintiff for the filing fee. Additionally, plaintiff has not objected to the Report and Recommendation. Plaintiff has therefore waived his right to appellate review of the factual and legal issues it addressed. *See Cassanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Because plaintiff has neither objected to the Report and Recommendation nor paid the full filing fee, the court **ADOPTS** Magistrate Judge Purcell's Report and Recommendation [Doc. #5], **DENIES** plaintiff's application for leave to proceed *in forma pauperis* [Doc. #2], and **DISMISSES** this case without prejudice.

IT IS SO ORDERED.

Dated this 11th day of May, 2020.



JOE HEATON
UNITED STATES DISTRICT JUDGE